

REQUEST

(PUD1302) Oakcrest Homes Inc., 7683 Cottonwood, is requesting to have a planned unit development with 100 units of intermediate care and 20 units of assisted, along with an accessory building, parking areas and various amenities, on a parcel of land described as P.P. # 70-14-14-200-063, located at 8001 Cottonwood Dr. Oakcrest acquired two additional parcels along Cottonwood and those parcels have been combined with the larger overall parcel. In addition, the southwest property of the Allen Springs parcel has been combined with the Oakcrest parcel.

The site and use currently exist as shown on the picture below. The buildings circled in yellow are proposed to remain. The two buildings and paved parking lot circled in orange are proposed to be demolished. One new building with 20 units of assisted living is proposed to be constructed and one new building for accessory uses (such as storage) are proposed to be constructed in the area where the structures are to be demolished.

SUMMARY

1. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission. **This is required to be met and is to be coordinated with the DPW and the Water Resources Commissioner's Office. A Storm Water Drain Permit will be required to be submitted prior to the issuance of a building permit.**
2. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.

The developer is proposing to remove the two existing driveway approaches and replace with curbing. Also, the entrance approach is proposed to be redesigned. This standard appears to be met within the interior of the site. However, with motion #070131-04, the Planning Commission determined that this standard was met for the Allen Springs PUD based upon the provision of a deceleration lane on Cottonwood. The Township Board concurred with the Planning Commission's recommendation of approval based on compliance with the standards with motion #070226-06.

Although the Township does not have the authority to require off-site improvements, the Township clearly has the authority to determine that this standard is NOT met if a deceleration lane is not provided based on the language in the standard as follows: "The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site."

Cottonwood is an extremely busy road with a speed limit of 45 mph and a decal lane would get vehicles out of the lane of traffic when slowing to enter the site. The developer has the opportunity to offer to install a decal lane in order for this standard to be met.

The Planning Commission will have to determine if this standard is met or not as proposed.

3. **A condition of approval will be that the recorded PUD agreement is submitted at the time the first building permit application is submitted to the Township, noting the maintaining of open space and landscaping.**

OPTION FOR MOTION-Preliminary Development Plan

If the Planning Commission determines that the requirements of the ordinance have been met and all other elements of the proposal are acceptable, the following motion is offered. If the Planning Commission determines that more revisions are necessary or more information should be provided, the item could be tabled.

The Planning Commission should determine if the standards of the ordinance are met as proposed or if a deceleration lane would have to be provided in order for the standards to be met.

Motion: To recommend to the Township Board to approve the preliminary development Plan for (PUD1302) Oakcrest Homes Inc., 7683 Cottonwood, To have a planned unit development with 100 units of intermediate care and 20 units of assisted, along with an accessory building, parking areas and various amenities, on a parcel of land described as P.P. # 70-14-14-200-063, located at 8001 Cottonwood Dr., Georgetown Township, Ottawa County, Michigan, as shown on the following documents:

1. [Oakcrest rendering dated 02.15.2013,](#)
2. [Preliminary and final applications dated 3/20/13 and narrative,](#)
3. [Demolition plan dated 3-11-2013,](#)
4. [Site development plan dated 03-15-13 REV PER TWP STAFF,](#)
5. [Grading plan dated 3-11-2013,](#)
6. [Streetscape plan dated 2-7-13,](#)
7. [Front garage elevation,](#)
8. [Left garage elevation,](#)
9. [Garage floor plan,](#)
10. [Street side garage elevation,](#)
11. [Right garage elevation,](#)
12. [Overall site plan dated 3-11-2013,](#)
13. [Existing sign,](#)
14. [Survey dated 3-11-2013.](#)

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met _____ **(either as proposed or only with the addition of a deceleration lane):**
2. The information as per Sec. 22.5 is provided, and
3. The plan meets the ordinance requirements of Sec. 22.10 as follows:
 - a. The qualifying conditions in Sec. 22.2 are met;
 - b. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development;
 - c. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
 - d. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning;
 - e. The proposed PUD meets all the site plan requirements of Chapter 22 including Section 22.8, D.

And with the following conditions:

1. As per Sec. 22.2(B), the narrative notes that the site will be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works. A Storm Water Drain Permit (written approval by the Water Resources Commissioner's office) shall be submitted to the Township prior to the issuance of any building permits.
2. As per Sec. 22.11, a PUD agreement shall be submitted. The agreement shall be submitted to the Township prior to the issuance of any building permits. The agreement shall contain language related to the maintenance of the open space and the landscaping.
3. All outstanding fees are paid prior to issuing any building permits.
4. Because the site is affected by a floodplain, the floodplain elevation, along with the proposed elevation of the two buildings shall be submitted to the Township at the time a building permit application is submitted and a survey with elevations after the foundation is poured shall be submitted to the Township prior to any building inspections taking place.
5. **OPTIONAL.** As per Sec. 22.2(G), the PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. Although the Township does not have the authority to require off-site improvements, the Township clearly has the authority to determine that this standard is NOT met if a deceleration lane is not provided based on the language in the standard as follows: "The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site." **The Planning Commission determines that this standard (is or is not met) as proposed and that a deceleration lane (is or is not necessary) in order to determine that this standard is met.**

Motion: To approve the final development plan contingent on Township Board approval and upon the effective date of the PUD rezoning, as shown on the following documents:

1. [Oakcrest rendering dated 02.15.2013,](#)
2. [Preliminary and final applications dated 3/20/13 and narrative,](#)
3. [Demolition plan dated 3-11-2013,](#)
4. [Site development plan dated 03-15-13 REV PER TWP STAFF,](#)
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12. [Overall site plan dated 3-11-2013,](#)
13. [Existing sign,](#)
14. [Survey dated 3-11-2013.](#)

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met _____ **(either as proposed or only with the addition of a deceleration lane):**
2. The information as per Sec. 22.8(D) is provided, and
3. The plan meets the ordinance requirements of Sec. 22.10 as follows:
 - a. The qualifying conditions in Sec. 22.2 are met;
 - b. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development;
 - c. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
 - d. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning;
 - e. The proposed PUD meets all the site plan requirements of Chapter 22 including Section 22.8, D;
 - f. The deviations as noted below are _____ (acceptable or not) because they will result in a higher quality of development than would be possible using conventional zoning standards and based on the mitigating factors.

And with the following conditions:

1. As per Sec. 22.2(B), the narrative notes that the site will be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works. A Storm Water Drain Permit (written approval by the Water Resources Commissioner's office) shall be submitted to the Township prior to the issuance of any building permits.
2. As per Sec. 22.11, a PUD agreement shall be submitted. The agreement shall be submitted to the Township prior to the issuance of any building permits. The agreement shall contain language related to the maintenance of the open space and the landscaping.
3. All outstanding fees are paid prior to issuing any building permits.
4. Because the site is affected by a floodplain, the floodplain elevation, along with the proposed elevation of the two buildings shall be submitted to the Township at the time a building permit application is submitted and a survey with elevations after the foundation is poured shall be submitted to the Township prior to any building inspections taking place.
5. **OPTIONAL.** As per Sec. 22.2(G), the PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. Although the Township does not have the authority to require off-site improvements, the Township clearly has the authority to determine that this standard is NOT met if a deceleration lane is not provided based on the language in the standard as follows: "The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site."

The Planning Commission determines that this standard _____ (is or is not met) as proposed and that a deceleration lane _____ (is or is not necessary) in order to determine that this standard is met.

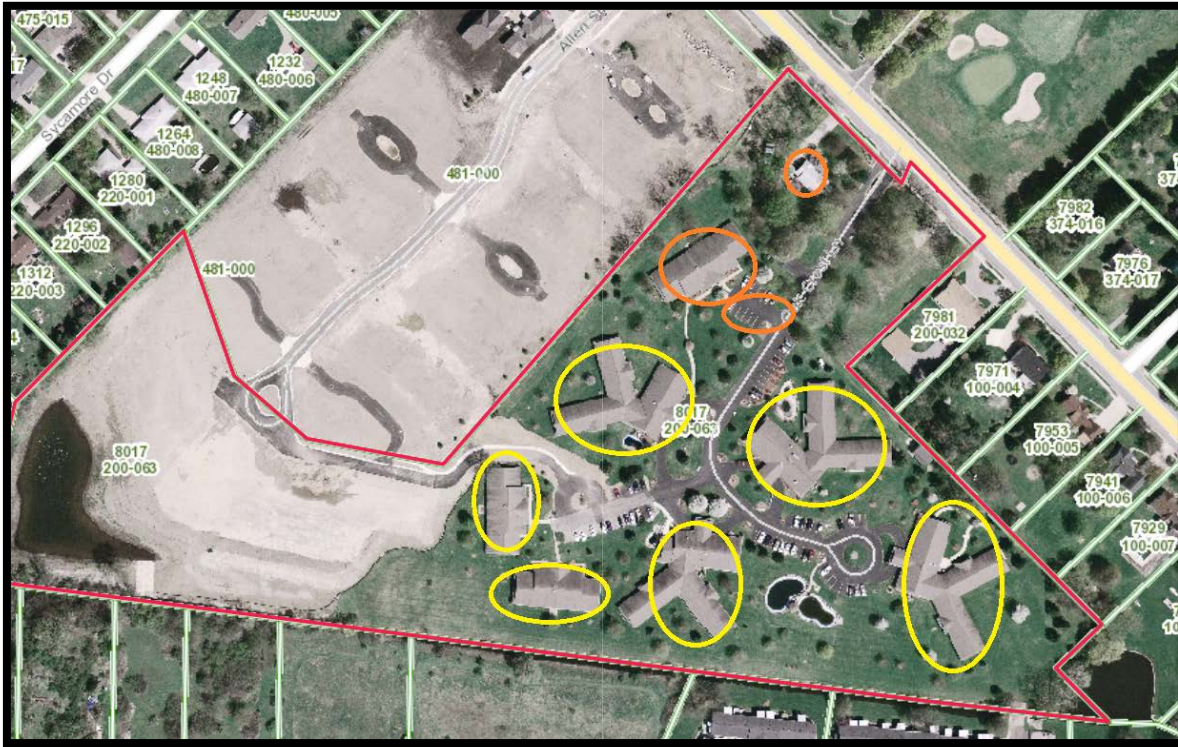
REVIEW

One story buildings exist as follows:

1. “Cherrywood” building (southeastern-most) has 20 units for assisted living
2. “Beechwood” building (next building to the left) has 20 units for assisted living
3. “Magnolia” building (next building to the left) has 6 units for intermediate care
4. “Wisteria” building (next building to the north) has 6 units for intermediate care
5. “Maplewood” building (next building to the northeast) has 20 units of assisted living
6. “Cottonwood” building (next building to the east) has 20 units of assisted living

The following is proposed:

1. A 60 foot right-of-way from the centerline of Cottonwood to be dedicated to the Ottawa County Road Commission.
2. Decorative fence with brink pillars along Cottonwood to coordinate with the adjacent Allen Springs.
3. One story 19,350 square foot building (next building to the north) with 20 units of assisted living with a six foot high decorative metal fence (with a gate along the walkway) enclosing an outdoor area.
4. One story 1,976 square foot building (next building to the east) for accessory uses such as storage, maintenance and bus parking. The overhead doors will face southwest opposite Cottonwood.
5. A 10 by 14 foot building along the northwest property line to be used as an IT building to house the re-routed electrical communications equipment.
6. A gazebo with a diameter of 32 feet, along with a concrete patio.
7. Additional 5 foot wide concrete sidewalk throughout the interior of the site, connecting to the sidewalk on Cottonwood and to Allen Springs.
8. Additional parking areas, one with 9 spaces by the office entrance, one with 5 spaces by the main entrance to the proposed 20 unit assisted living building, and one with 14 spaces by the accessory building 30 feet in width. A six foot high vinyl fence is proposed to screen this area. As per the engineer, the wide aisle width will allow vehicles to back out of the spaces. The concrete along to the southeast of the accessory building is to be used by golf carts (which are used by maintenance people at the site).
9. Two dumpsters at the end of a parking area to be screened with a six foot high brick wall to match the building material.
10. A six foot high decorative black metal fence along the perimeter of the property line adjacent to Allen Springs.



The unit equivalents are as follows for calculating parking and density as per Sec. 20.4 (Q) as shown below:

1. 100 units of assisted living (4 equals 1 unit) = 25 units
2. 12 units of intermediate care (2.5 equals 1 unit) = 5 units

Chapter 26 lists parking requirements as follows:

1. Assisted living (Convalescent homes, nursing homes - one per each two beds) = 50 spaces.
2. Intermediate care (Senior "interim care" units, homes for the aged, retirement community housing, etc. – one per each bed) = 12 spaces.
3. Total 62 required and 93 provided.

Density:

The density of 2.4 units per acre (12.7 acres) and the density of 3 units per acre (12.7 - 2.7 acres of floodplain) both are less than maximum of 7 and average of 5 listed in the Master Plan for the current zoning district of (MDR) Medium Density Residential.

RELEVANT ORDINANCE SECTIONS

Although the request is for a PUD, the relevant ordinance sections pertain to the standards for a convalescent home.

Sec. 2.23 CONVALESCENT OR NURSING HOME.

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State law.

Sec. 20.4 SITE DESIGN STANDARDS.

Those uses specified in Section 20.1 as permitted by "right" or as special land uses shall be subject to the requirements of the District in which the use is located in addition to all applicable conditions, standards and regulations regarding site design and development and other standards and conditions as are cited in the following:

(J) Convalescent Homes.

- (1) Minimum lot size shall be three (3) acres. **Met.**
- (2) The lot location shall be such that at least one property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare. **Met.**
- (3) The main building or buildings shall be set back from all property lines a minimum of (revised 1-27-03): **This is noted in the deviation table to be 30 feet rather than 40 feet. The side yards are proposed to be 30 feet by the new 20 unit building and the accessory building. However, both sides are mitigated with trees or arborvitae.**
 - a. 40 feet for single story buildings,
 - b. 60 feet for two story buildings,
 - c. 75 feet for buildings exceeding two stories or twenty-five (25) feet, whichever is less,
- (4) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses. **Appears to be met.**

(Q) Housing for the Elderly.

- (1) Minimum lot size shall be five (5) acres and the minimum width shall be two hundred (200) feet. **Met.**
- (2) Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops. **Met.**
- (3) Each dwelling unit shall contain at least two hundred and fifty (250) square feet of area, not including kitchen and sanitary facilities. **Met.**
- (4) For purposes of calculating allowable density and parking requirements for elderly housing facilities offering various levels of care the following shall apply in the respective zoning districts where permitted (providing other provisions of this ordinance are met). If the number of units of each level of care is not specified on the site plan, calculations shall be based assuming independent living units.

Independent living (defined
as low level congregate care)

one (1) unit equals one (1)
unit of multi-family

Intermediate level congregate
service (one or two common
meals, housekeeping, linen
and similar services provided)

two and one-half (2½) units
equal one (1) unit of multi-family

Convalescent housing units
i.e. high level, 24-hour nursing
care (parking shall be based on
requirements listed in Sec. 26.8)

four (4) units equal one (1)
unit of multi-family

DEVIATIONS FROM STANDARD ORDINANCE REQUIREMENTS

1. Sec. 3.4(A) states that an accessory building shall not be erected in a front yard. Sec. 3.4(F) states in residential districts accessory buildings shall be erected in a rear yard or non-required side yard. The accessory building is proposed to be located in the front yard with the doors facing opposite the street.
2. Sec. 20.4(J) states that for convalescent homes and housing for the elderly, all buildings shall be setback a minimum of 40 feet if a one story building. The proposed building is shown to be only 30 feet from the side property line.

The developer is proposing to mitigate the accessory building being located in the front yard with the following:

1. **Having a 110 foot front yard setback from the centerline of the road;**
2. **Having coordinating architectural character;**
3. **Landscaping along the front of it; and**
4. **Providing the street side elevation similar to the main structure (see street side elevation) and situating the overhead doors to face away from the street.**

The developer is proposing that the lesser side yard setbacks are mitigated as follows:

1. **A row of Arborvitae is located along the northwest property line;**
2. **A wood fence separates the properties;**
3. **Three 6 foot tall Black Hill Spruce trees are proposed in the area;**
4. **The setback is consistent with the existing buildings.**

REVIEW OF THE CONCEPTUAL PLAN AS PER SEC. 22.4:

Sec. 22.4 PREAPPLICATION CONFERENCE.

- A. A pre-application conference will be held with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD. **Held on March 1, 2013 at 10:00 a.m.**
- B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use(s) for the entire site. **Provided.**
- C. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 22.2, and whether the general concept appears to be substantially consistent with the Township's Master Plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

The following review determines if the proposal complies with the minimum requirements of the qualifying conditions in Sec. 22.2.

Sec. 22.2 QUALIFYING CONDITIONS..

Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. **Acreage Requirement:** The PUD site shall be not less than ten (10) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. The Planning Commission and Township Board may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. In addition, the Planning Commission and Township Board may use the same intent section of the Zoning Ordinance when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to prove why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.

Met. The site is 12.7 acres without the road right-of-way and 40 acres is within Georgetown Township.

- B. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission.

This is required to be met and is to be coordinated with the DPW and the Water Resources Commissioner's Office. A Storm Water Drain Permit will be required to be submitted.

- C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.

The developer provided written approval from the land owners.

- D. **Master Plan:** The proposed uses of the PUD must be substantially consistent with Georgetown Township's Master Plan for the subject property.

Appears to be met in regard to the uses and the density. The Future Land Use Map shows the area as MDR and the proposed density is noted to be 2.4 or 3.0 per acre, which is less than the maximum of 7 units and the average of 5. Sec. 9.3(B) allows convalescent homes and housing for the elderly in the MDR district.

The following is the Master Plan text related to PUD development.

General Land Use Policies

Planned Unit Developments and open space clustering are possible development tools that would provide multiple densities of residential, along with possible commercial uses with flexible zoning requirements.

Planned unit developments shall be consistent with the intent of a PUD as listed in the Georgetown Township Zoning Ordinance, including, to encourage innovation in land use and variety in design, to encourage useful open space, and to provide for enhanced site and building architectural features. Such developments shall provide innovation and desirable design elements. Although the intention is not to

direct a developer toward any specific details, PUDs with uses other than solely single family residences shall, at a minimum, contain the following elements:

- An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;
- A coordinated color scheme and coordinated textures of materials;
- Drive-through elements and stand-alone structures shall have design elements common to principle structures;
- Creative, desirable and useable open space;
- Buildings and structures designed to provide the best or front face to any adjoining public streets.

A mixed use PUD (with any combination of residential, commercial and/or industrial uses) may be used as a developmental technique if it is clear the PUD substantially provides for the intent of a PUD as listed in the Georgetown Township Zoning Ordinance. The mixed use PUD shall contain some uses that conform to the Township Land Use Plan for the subject site.

Access to major roads (listed in the Zoning Ordinance) should be limited and placed in locations that have the least impact practical on the through flow of traffic. Special consideration should be given to the practice of good access management techniques, specifically on the major roads.

New development should be directed to areas efficiently served by public roads, utilities, and other public services, or the developer should be required to bring these services to the area to be developed.

Intense development in areas having environmental constraints, such as floodplains, wetlands, and unstable soils should be discouraged.

Development which creates land use conflicts between different uses should be avoided. Gradual transitions from intensive commercial and industrial uses to low density residential uses should be provided, or developers should be required to provide an adequate buffer.

The architectural theme or character has been provided and appears to be consistent with the architectural character of the buildings at Allen Springs, the adjacent site. The proposal is to continue the same entrance theme along Cottonwood that currently exists at Allen Spring. The existing sign is proposed to remain.

- E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a standalone ordinance covering certain sidewalk requirements)

Appears to be met. Sidewalk was added in the interior of the property to connect to Allen Springs and already exists along Cottonwood.

- E. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.

The architectural theme or character has been provided and appears to be consistent with the architectural character of the buildings at Allen Springs, the adjacent site. The plan notes that decorative pillars will be placed along Cottonwood, and the theme along Cottonwood will carry the same theme as Allen Springs.

- G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.

The developer is proposing to remove the two existing driveway approaches and replace with curbing. Also, the entrance approach is proposed to be redesigned.

This standard appears to be met within the interior of the site. However, with motion #070131-04, the Planning Commission determined that this standard was met for the Allen Springs PUD based upon the provision of a deceleration lane on Cottonwood. The Township Board concurred with the Planning Commission's recommendation of approval based on compliance with the standards with motion #070226-06.

Although the Township does not have the authority to require off-site improvements, the Township clearly has the authority to determine that this standard is NOT met if a deceleration lane is not provided based on the language in the standard as follows: "The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site."

Cottonwood is an extremely busy road with a speed limit of 45 mph and a decal lane would get vehicles out of the lane of traffic when slowing to enter the site. The developer has the opportunity to offer to install a decal lane in order for this standard to be met.

The Planning Commission will have to determine if this standard is met or if the decal lane would have to be installed in order for this standard to be met.

Note the picture below with the decal lane into the Allen Springs development.



H. Open Space Requirements:

1. The PUD development shall contain **usable** open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may be located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)
2. Such open space to be considered usable shall **not include required yards** (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).
3. **Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township;** or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

It appears that this standard has been met.

Sec. 22.3 PERMITTED USES..

Any use permitted by right or special land use in any District may be approved within a PUD.

Sec. 22.10 STANDARDS FOR APPROVAL (both preliminary and final).

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 22.2. **Determination has not been made that this standard is met due to the traffic standard.**
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Appears to be met.**
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Appears to be met.**
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **Appears to be met.**
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)
Determination has not been made that this standard is met due to the traffic standard.

Sec. 22.5 PUD APPLICATION
A. Preliminary Plan Application Requirements

Following the pre-application conference, applicants seeking approval of a PUD District shall submit a complete application for review to the Zoning Administrator. When the Zoning Administrator determines the application to be complete, the PUD application will be sent to the Planning Commission for a workshop session, followed at a later date by a Planning Commission public hearing. Such application shall include the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):

- 1 A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:

- a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.

PROVIDED.

- b. The name and address of the firm responsible for the preparation of the site plan.

PROVIDED.

- c. The name and address of the property owner(s) and petitioner(s).

PROVIDED.

- d. Legal description of the PUD site.

PROVIDED.

- e. The size (in acres) of the PUD site.

PROVIDED.

- f. Property lines and proposed setbacks, shown and dimensioned.

PROVIDED.

- g. A location sketch.

PROVIDED.

- h. The location of all existing structures, driveways, and parking areas within 100' of the PUD site's boundaries.

PROVIDED.

- i. The location and dimensions of all existing structures on the PUD site.

PROVIDED.

- j. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are not necessary until final approval.

PROVIDED.

- k. The location and dimension of proposed lots or ownership divisions.

PROVIDED.

- l. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.

PROVIDED.

- m. The existing zoning and use of all properties abutting and including the PUD site.

PROVIDED.

- n. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.

PROVIDED AND MEETS ORDINANCE REQUIREMENTS.

- o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.

PROVIDED.

- p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.

A Storm Water Drain Permit will be required to be submitted from the Ottawa County Water Resources office.

- q. Existing topographic contours at a maximum of five (5) foot intervals. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each building receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).

PROVIDED.

- r. Location, type and size of areas to be dedicated for common open space.

PROVIDED.

- s. Trash receptacles and method of screening.

The plan indicated that the trash receptacles will be screened with brick and stone to match the building materials.

- t. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, including traffic calming concepts, driving surface widths as required by the Ottawa County Road Commission's standards.

SHOWN; HOWEVER, IN ORDER FOR THE TRAFFIC STANDAD TO BE MET, A DECEL LANE MAY HAVE TO BE PROVIDED, DEPENDING ON PLANNING COMMISSION FINDINGS.

- u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways.

PROVIDED.

- v. Proposed lighting concepts/styles and general location areas.

PROVIDED. Carriage lights on end pillars are proposed to match the existing.

- w. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. - gateways, fence/wall concepts, art work, etc.).

PROVIDED.

- x. Proposed setbacks, lot widths, lot areas and building/structure heights.

PROVIDED.

- y. Proposed uses to be included in the PUD project.

PROVIDED.

- z. Floodplain areas. (Revised 6-27-2005)

PROVIDED. Floodplain elevation of the foundation of the proposed 2 buildings and survey with elevation after the foundation is poured should be provided since a floodplain affects the site.

- 2 **Fee:** Payment of a PUD fee, as established by the Township Board.

PROVIDED.

- 3 **Narrative Statement:** A narrative statement describing:

- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.

PROVIDED.

- b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.

PROVIDED.

- c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.

PROVIDED. The PUD will be completed in a single phase beginning in the summer of 2013 and planned to be completed by spring 2014.

- d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

PROVIDED (will be none because the PUD is under single ownership for intermediate care and assisted living).

FINAL DEVELOPMENT PLAN

Sec. 22.8 FINAL DEVELOPMENT PLAN APPLICATION.

- D. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
1. A completed application form, supplied by the Zoning Administrator. **Provided.**
 2. Payment of a fee, as established by the Township Board. **NA-first phase included.**
 3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items. **Would have to be provided if changes.**
 4. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
 - a. The location and dimensions of all proposed structures and buildings on the PUD site. **Provided.**
 - b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included. **Provided.**
 - c. The location of all proposed signs and lighting, including the sizes and types. **Provided.**
 - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.). **Provided.**
 - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc. **To be coordinated with the DPW department and the Office of the Water Resources Commission.**
 - f. Existing and proposed topographic contours at a maximum of three (3) foot intervals. **Provided.**
 - g. Elevation views of all proposed structures and floor plans for all multi-family residential dwelling units. **Provided.**
 - h. Proposed open space areas, including recreational amenities (playgrounds, etc.).
 - i. Floodplain areas. (Revised 6-27-2005) **Provided.**
 5. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

Sec. 22.9 *PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN.*

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.
- B. Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
- C. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.
- D. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- E. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.
- F. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.

Sec. 22.10 *STANDARDS FOR APPROVAL (both preliminary and final).*

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 22.2. **Determination has not been made that this standard is met due to the traffic standard.**
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Appears to be met.**
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Appears to be met.**

- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **Appears to be met.**
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)
Determination has not been made that this standard is met due to the traffic standard.

Sec. 22.11 PUD AGREEMENT..

- A. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

A condition of approval: the recorded PUD agreement shall be submitted at the time the first building permit application is submitted to the Township. The agreement should note the maintenance of the landscaping and open space and include a copy of the recorded easement for the open space.